

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Review Petition filed by Sri S.P. Balaji Kumar, S/o S. Prem Kumar, R/o Tirupati, against the orders issued vide G.O.Ms.No.75, Social Welfare Dept., Dt.12.03.2019 - Review Petition is examined and dismissed under Section 7(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Orders - Issued.

SOCIAL WELFARE (CV) DEPARTMENT

G.O.Ms.No.24

Dated:22.07.2025
Read the following:-

1. G.O.Ms.No.75, Social Welfare Dept., Dt.12.03.2019.
2. Representation of Sri S.P. Balaji Kumar, S/o S. Prem Kumar, R/o Tirupati, Dt.17.03.2019, Dt.07.04.2019 and 24.6.2019.
3. Govt. Letter. No.968764/SW.CV/2019, Dt.14.08.2019.
4. Review Petition,21.08.2019and Dt.30.06.2021 filed by Sri S.P. BalajiKumar, S/o S.Prem Kumar, R/o Tirupati, Dt.05.10.2019 received through the appellate authority Dt.06.08.2021.
5. Govt. Letter. No.968764/SW-CV/2019, Dt.04.03.2020.
6. Review Petition, Dt.30.06.2021filed by Sri S.P. Balaji Kumar, S/o S. Prem Kumar, R/o Tirupati.
7. Govt. Letter. No.968764/SW-CV/2019, Dt.11.04.2023.
8. Orders, Dt.07.02.2024 of the Hon'ble Supreme Court of India, New Delhi.
9. From the District Collector, Tirupati vide REV02/2055/2023-JA-C2-TPT, dated:19.11.2024.
10. Implead petition filed by Smt. U.Madhuri, Dt.22.01.2025.
11. Govt. Letter. No.968764/SW-CV/2019, Dt.17.02.2025.

ORDER:-

In the reference 1st read above, Government have issued orders that the appeal petition filed by Sri S.P. Balaji Kumar, S/o S. Prem Kumar, does not have merits for consideration and upheld the Proceedings of the District Collector, Chittoor issued vide Roc.C3/cer/4059/2017, dated 12.12.2018 and also the Certificate issued by the then Tahsildars, Tirupati Urban, Chittoor District is deemed to be cancelled under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) -Regulation of Issue of Community Certificates Act, 1993 (Act No16 of 1993).

2. Aggrieved by the Government orders issued vide G.O.Ms.No.75, Social Welfare Dept., Dt.12.03.2019, Sri S.P. Balaji Kumar, has filed petitions before the Government for granting stay orders on G.O.Ms.No.75, Social Welfare Dept., Dt.12.03.2019 vide references 2nd & 4th read above and prayed the appellate authority to admit the review petition filled by him.

3. In the references 3rd & 5th read above, Government have informed Sri S.P. Balaji Kumar, S/o S.Prem Kumar that the Government have examined the petitions under Section 8(1) of the Act 16 of 1993 and the Petitions is not found maintainable as per the Act & Rules and the same is rejected.

4. In the reference 6th read above, Sri S.P. Balaji Kumar, S/o S. Prem Kumar, R/o Tirupati, has again filed a review petition before the appellate authority duly requesting to grant stay on G.O.Ms.No.75, Social Welfare Dept., Dt.12.03.2019 and admit his review petition duly set aside the Government orders issued vide references 3rd and 5th read above and issue permanent Adi-Dravida caste certificate through MRO, Tirupati.

[P.T.O]

5. In the reference 7th read above, Government have admitted the review petition filed by Sri S.P.Balaji Kumar and further, granted the interim stay on the orders issued vide G.O.Ms.No.75, S.W.(CV.1) Department, dated. 12.03.2019 and requested the Collector & District Magistrate, Tirupati to take further necessary action accordingly and furnish the para-wise remarks to the Government on the grounds filed by the Appellant along with connected original records pertaining to the Appeal, to the Government, immediately for taking further action in the matter.

6. In the meanwhile, the appellant i.e. Sri S.P.Balaji Kumar has approached the Hon'ble Supreme Court of India and filed an SLP No.368/2019 against the orders dt.20.11.2018 in WP.No.38323/2017 of the Hon'ble High Court for the State of Telangana and A.P., wherein the appointment of the Appellant as Junior Civil Judge is set aside. The Hon'ble Supreme Court of India upon hearing the counsel, the Apex court made the following order vide reference 8th read above:

"The Review Petition mentioned in the Memo arises out of an initial order of the District Level Scrutiny Committee Report dated.28.04.2018 which was accepted by the Collector vide order dated.12.12.2018. It is that order which is the subject matter of the revision/ review before the Government.

In view of the fact that the Review is being considered, we adjourn the Special Leave Petition to enable the Government to pass appropriate orders in the Review Petition.

We further direct that the Review be disposed of expeditiously.

7. In the reference 10th read above, Smt. U. Madhuri, has filed an implead petition and requested the Hon'ble Appellate authority to allow her implead petition and dismiss the review petition filed by Sri Balaji Kumar and pass appropriate orders in this regard.

8. In the reference 11th read above, Government have informed Smt. U. Madhuri that the implead petition filed by her is admitted before the Govt. under section 9 of Act, 16 of 1993 and intimate the hearings at appellate authority will be informed accordingly.

9. After issuing several notices for hearing several times, the case was heard by the appellate authority on 21.08.2024 and adjourned for submission of written arguments. After receiving the written arguments by the appellant and para-wise remarks from the District Collector, Tirupati vide reference 9th read above, the case is finally reserved for orders on 21.04.2025. On perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ Complainant, the para-wise remarks submitted by the District Collector, Tirupati and proceedings of the District Collector, Chittoor, dated:12.12.2018, the Appellate Authority has observed the following:

- a) Pursuant to a notification dated:16.08.2016, issued by the then High Court of Judicature for the State of Telangana and State of Andhra Pradesh at Hyderabad, the review petitioner participated in the recruitment process and was selected to the post of Civil Judge (Junior Division), by claiming to be a member belonging to Schedule Castes.
- b) The respondent no.2, who is also a member belonging to a community notified as Scheduled Castes, also participated in the recruitment held for filling the posts of Civil Judge (Junior Division). After a written test and interview, she was provisionally selected and her name was found in the List of Provisionally Selected Candidates published on 29.04.2017. Whereas, the name of the review petitioner does not find place. However, by a notification dated 16.08.2017, despite securing higher marks and having merit, the name of the 2nd respondent was deleted, and the name of the review petitioner was included.

- c) Aggrieved by the same, the 2nd respondent made enquiries regarding the social status of the review petitioner and made an application before the DLSC alleging that the community certificate obtained by the review petitioner is not correct and sought for cancellation of the same.
 - d) After enquiry and upon examination of all the documents, certificates issued earlier, reports, etc., the DLSC vide its Proceedings in Roc.C3/cer/88/40599/2017, dated.12.12.2018 concluded that the review petitioner does not belongs to the caste of SC-Adi-Dravida and that the claims of the petitioner that he belongs to SC-Mala Community and SC-Adi-Dravida Community are not genuine and that he belongs to "Godda" community. It was further observed that the said "Godda" community is not a sub-caste of Scheduled Castes notified in Annexure - I to the A.P. Scheduled Castes Scheduled Tribes and Backward Classes - Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 issued under G.O.Ms.No.58, Social Welfare (J) Department dated 12.05.1997.
 - e) Based on the findings of the DLSC, the then District Collector, Chittoor District, in exercise of power granted under Section 5 (1) of the Act No.16 of 1993 read with Rule 9 (7) of the rules framed thereunder, cancelled the false SC Mala/ Adi-Dravida Caste Certificates issued by the then Tahsildars, Tirupati Urban CR.No.167/2004, dated. 18.03.2004, C.No.271/05 dated.24.11.2005, C.No.2336/12, dated 25.08.2012 and C.No.CGC0112472802 dated 30.01.2014, in the name of the review petitioner.
 - f) Aggrieved by the proceedings of the DLSC, the review petitioner filed an appeal under Section 7 (2) of the Act No.16 of 1993 and the Government vide G.O.Ms.No.75, Social Welfare (CV 1) Department, dated 12.03.2019, dismissed the appeal petition and confirmed the proceedings of the DLSC vide Roc.C3/cer/88/40599/2017, dated. 12.12.2018.
- The first and foremost point is regarding the nature of relief and the prayer made in the instant review petition. It reads as under:

*"Hence this Appeal petition filed by S.P.Balaji Kumar S/o.S.Prem Kumar requires to be allowed for the perennial reasons submitted above and the Social Welfare (CV.1) Department order [G.O.Ms.No.75](#), dt.12-3-2019 to be hereby **set-aside and quashed**.*

*Further we request Hon'ble authority, kindly issue orders to grant stay order and cancelled the (G.O.75/2019) under section 11 (1) and 8 (2) & 12 etc. of SC ST BC certificate issued act 1993 and rules 1997 - against [G.O.Ms.75](#), dated.12-03-2019 (Social Welfare Department) Operation and also to be **set aside** the letter of Social Welfare Department letter no: SWOCERT (CSCC)/4/C.V.1/2019 Dt:14.08.2019 and 04-03-2020.*

- a. *Issue order to the Balaji Kumar Scheduled Caste Adi-Dravida Certificate C&O/271/05 dt.24-11-2005 permanent certificate and CGC0112472802 dt:30-01-2014 AdiDravida certificate issued through Mee-Seva by the Mandal Revenue Officer, (Tahsildar) Tirupati Urban in the year 2005 and 2014 (through Mee-seva) certificate all are valid.*
And
- b. *Further kindly issue notification order under Constitution Act Art. 15(4), Art 46 R/w. Art. 341 & 342 assurance given to the SC people who are living State Border hence kindly to reiterated, ensure and mentioning the Godda Community comes in Chittoor District under Scheduled caste [Sl.No.25](#) as per 1963 page No.2968 of A.P. State Govt. order Gazette and do justice in the interest of justice."*

[Contd..on P.4]

Evidently, in a review petition, the petitioner is seeking to set-aside and quash the orders passed in the appeal as well as subsequent proceedings. The purpose of review is limited. A judgement is open to review inter alia if there is a mistake or an error apparent on face of the record. An error which is not self-evident and has to be detected by the process of reasoning cannot be said to be an error apparent on the face of record.

- Secondly, the contentions of the petitioner remain inconsistent all through and his efforts are not at all bonafide. On multiple occasions (vide 12th standard TC, Application of LAW CET-1998), the petitioner admitted the fact that he belongs to "Godda" community. Contrary to his earlier admissions, he is now seeking to claim benefits by projecting himself as an individual born and brought up as a Adi-Dravida.
- The grounds pleaded by him are all untenable, absurd and lacks merit. For instance, it was alleged that the petitioner was not supplied with relevant documents by the District Collector. While the District Collector vide para wise remarks clearly provided the list of documents furnished to the petitioner. Even otherwise, this cannot be a ground for reviewing an order passed by the Government. Hence, the same is rejected.
- As stated earlier, after exhausting all the remedies available under the law, the review petitioner repeatedly filed petitions, application etc. and sought for re-open of his case. There is no provision enabling the Government to entertain or take up such petitions. Hence, the same were rejected at the initial stages itself. Accordingly, a memo dated.14.08.2019 and 04.03.2020 were issued. Even otherwise, all the events cited in this connection occurred after 12.03.2019 i.e. after issuance of G.O.Ms.No.75, Social Welfare (C.V.1) Department dated 12.03.2019 and as such they do not form part of the review petition. Hence, the ground no.2 in the review petition does not even pertain to the impugned proceedings.
- The next ground that there is a violation of principles of natural justice is vague and cannot be believed for the simple reason that no explanation was provided specifying the events in which he was not afforded with an opportunity and explanation provided thereunder is similar to the explanation provided for ground no.1 and 2. In respect of the 4th ground, during appeal stages, the petitioner failed to substantiate his claim by placing evidence. Now, without bringing any new record, the petitioner is simply re-agitating the issue of classification as Mala.
- In respect of the ground no.5 and 6 of the review petition, the DLSC clearly stated that the 'Godda' caste is Schedule caste in Tamil Nadu, but not in Andhra Pradesh. The benefit available to the petitioner in the state of Tamil Nadu cannot be extended in the State of Andhra Pradesh. Reference in this regard can be made to the Constitutional Judgement of Supreme Court in the case of State of Punjab v. Davinder Singh, (2025) 1 SCC 1, wherein it was held that:

"127. The prohibitions in Articles 341(1) and 342(2) are twofold: first, specification as a Scheduled Caste is circumscribed by the territorial limits of the State or the region, specific to which a particular group has been notified [See Constitution (Scheduled Castes) Order, 1950 [2, 4].] . For instance, Entry 23 of Part I of the Scheduled Castes Order for the State of Andhra Pradesh enumerates:"Godagalli, Godagula (in the districts of Srikakulam, Vizianagaram and Vishakhapatnam)". Hence, the enlisted communities (Godagalli and Godagula) are treated as a Scheduled Caste for the districts named in the entry and not for the entire State.

128. In *Marri Chandra Shekhar Rao v. Seth G.S. Medical College* [*Marri Chandra Shekhar Rao v. Seth G.S. Medical College*, (1990) 3 SCC 130] , a Constitution Bench of this Court considered whether a member of the Gouda community, recognised as a Scheduled Tribe in Andhra Pradesh, could seek admission to a seat reserved for the Scheduled Tribes in Maharashtra. Answering it in the negative, this Court observed that since the social conditions of caste groups vary across the country, a caste or tribe could not be generalised as a Scheduled Caste or Scheduled Tribe for the whole country. It held that the expression "in relation to that State" in Articles 341(1) and 342(1) could not be rendered redundant by treating a caste specified as a Scheduled Caste in one State to be entitled to the benefits for Scheduled Castes in another State, where it was not so specified. [*Marri case*, (1990) 3 SCC 130, para 9]

129. In *Bir Singh v. Delhi Jal Board* [*Bir Singh v. Delhi Jal Board*, (2018) 10 SCC 312: (2019) 1 SCC (L&S) 1], one of the issues before this Court was whether the power of the State to make provisions for affirmative action for the Scheduled Castes and Scheduled Tribes under Article 16(4) is impacted by the power of the President under Articles 341(1) and 342(1) of the Constitution. The Constitution Bench held that a State in exercise of its power under Article 16(4), cannot extend the benefits accorded to the Scheduled Castes to a caste which is not enumerated in the Presidential List notified under Article 341(1). The Court held that the enabling provision under Article 16(4) must be harmoniously read with Articles 341 and 342. Therefore, if a statute extends the policy of affirmative action to groups not enumerated specifically with respect to that State/Union Territory, it would circumvent the mandate of Article 341(2) and would be an impermissible expansion of the List, contrary to the mandate of Article 341(1). [*Bir Singh case*, (2018) 10 SCC 312 : (2019) 1 SCC (L&S) 1 (Gogoi, J., SCC para 34); (*Banumathi, J.*, SCC paras 79, 81)] Thus, this Court held that the benefit of reservation cannot be extended to a caste which is not enumerated as a Scheduled Caste in that State, though it finds a place in the Presidential List with respect to another State."

- In view of the contention of the petitioner is not tenable, much less in a review petition. The next claim that the petitioner is entitled to the benefit of the caste of the mother is false. At the stage of the appeal, there was no mention regarding the status of the mother before the DLSC. The Likewise, the petitioner is re-agitating the issues already adjudicated or addressed by the earlier authorities. None of the grounds pleaded are tenable.
- As can be seen from the grounds pleaded, the review petitioner is not only seeking to reopen and conduct a fresh enquiry on the same grounds that are pleaded in his earlier petitions, but also sought for setting aside letters dated 14.08.2019 and 04.03.2020. The scope of a review petition, as contemplated under Section 7 (3) of the Act No.16 of 1993, is very limited i.e. only on two grounds where an order is passed by them i) under any mistake, whether of fact or law; or ii) in ignorance of any material fact. It is well settled that a review cannot be filed as an appeal in disguise. In a review petition, the petitioner can neither bring a new case or ground for the first time nor can he be permitted to re-agitate the grounds already taken in the appeal. The contentions raised by the petitioner are the same as in his earlier petitions. The Government has already dealt with the contentions raised by the petitioner in his revision petition and passed orders vide G.O.Ms.No.75, Social Welfare (CV.1) Department, dated. 12.03.2019. At this juncture,

[Contd..on P.6]

the petitioner cannot be permitted to reargue the issues that have already been addressed and adjudicated. Even, as per the grounds of the review, no where it was alleged that the directions issued by the Government or by the District Collector, Chittoor District are under a mistake of fact or law or in ignorance of a material fact.

CONCLUSION:

In view of the above, the orders vide G.O.Ms.No.75, Social Welfare (CV.1) Department, dated 12.03.2019 are issued by considering all the facts, material as well as the law. There is neither a mistake of fact or law nor was ignorance of any material fact, warranting the appellate authority to exercise the power of review. There is no grounds for review in cancelling the community certificate issued to the Review Petitioner as SC-Adi-Dravida. The Review Petition is hereby dismissed in exercise of the power conferred on this authority under Section 7(3) of the Act 1993 and rules made thereunder. As a sequel to interim orders, if any passed in the matter are hereby vacated. Review Petitions dismissed accordingly.

10. In view of the several reasons recorded at para-9 supra, the Government, in exercise of the powers conferred under Section 7(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (Act No.16 of 1993), hereby decide that the review petition filed by Sri S.P. Balaji Kumar, S/o S. Prem Kumar, does not have merits for consideration and hereby dismissed. Hence, the orders issued vide G.O.Ms.No.75, Social Welfare Dept., Dt.12.03.2019, is hereby reiterated.

11. The Collector & District Magistrate, Tirupati is directed to take necessary consequential action in the matter and cause enquiry to determine the persons responsible for the issuance of false caste certificates by the office of the Tahsildar, Tirupati Urban mandal in favour of Sri S.P. Balaji Kumar, S/o S. Prem Kumar and also tampering of the Births and Deaths Register of the Tirupati Municipal Corporation and initiate disciplinary action as per the rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.M. NAYAK
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Tirupati.(we)

(The records (Roc.C3/cer/884/40599/2017, containing in (VII) volumes and requested to acknowledge the receipt of the same) **(BY RPAD)**)

The Tahsildar (Urban), Tirupati.

Sri S.P. Balaji Kumar, S/o S. Prem Kumar
D.No.13-3-344/12B, 3rd Floor (Last House),
Jabbar Layout, Near Head Office, Tirupati- 517 501.

Sri Akbar Basha, Advocate (through the appellant)
Sri Sriman, Advocate (through the appellant)
Kum./Smt. U. Madhuri, Civil Judge(Junior Division),
Palasa, Srikakulam District, A.P.-532221.

Sri K. Nageswara Rao, Advocate, Amaravati (through the complainant)

Copy to :

The Collector & District Magistrate, Chittoor.

The Advocate on Record for the State of Andhra Pradesh,
Supreme Court of India, New Delhi. Office: B-54A, Lower Ground Floor,
Greater Kailash Part I, New Delhi 110048.

The Registrar of Recruitment Cell, High Court, A.P., Amaravati.

The District Judge, Srikakulam District.

The OSD to Hon'ble Minister(SW).

The PS to Secretary(SW).

Sf/Sc(968764).

// FORWARDED:: BY ORDER //

SECTION OFFICER